

ARKANSAS SUPREME COURT

No. 09-66

TOMMY HALL
Petitioner

v.

JIM HUDSON, CIRCUIT JUDGE
Respondent

Opinion Delivered May 7, 2009

PRO SE MOTION FOR
RECONSIDERATION OF DENIAL OF
MOTION FOR CERTIFIED COPIES
[CIRCUIT COURT OF MILLER
COUNTY, CV 2004-285]

MOTION DENIED.

PER CURIAM

Petitioner Tommy Hall filed in this court a pro se petition for writ of mandamus against the Honorable Jim Hudson, Circuit Judge, alleging that Judge Hudson had failed to act in a timely manner on a motion to amend the judgment in a civil matter.¹ Judge Hudson filed a response attaching a copy of a letter order that disposed of the request to amend, and this court declared the motion moot. *Hall v. Hudson*, 09-66 (Ark. Feb. 12, 2009) (per curiam). Petitioner filed a motion in this court seeking certified copies of documents from the record in that case to perfect an appeal from the order denying the motion to amend that we denied. *Hall v. Hudson*, 09-66 (Ark. Mar. 19, 2009) (per curiam). Now petitioner has filed the instant motion in which he seeks reconsideration of that decision. He contends that he is indigent and asserts that the circuit clerk refuses to provide him with certified copies of the documents.

Our denial of petitioner's motion, in which petitioner requested that this court remove

¹Judge Hudson passed away on May 3, 2009.

documents from the record and return those documents to him or transfer the documents to another appeal, was not based upon costs associated with the request or petitioner's ability to pay such costs. Rather, the decision was based upon petitioner's failure to provide a procedural basis for this court to comply with his request. To the extent that petitioner may contend that the circuit clerk has incorrectly refused to provide the documents he desires because he is a pauper, the allegations concerning a breach of duty by the circuit clerk must be addressed to the circuit court.

We note that in the event that an appellant is delayed in filing a criminal appeal, in some circumstances, he or she may seek to bring the appeal under Arkansas Rule of Appellate Procedure--Criminal 2(e), which provides a remedy when a litigant has failed to comply with the time requirements imposed by the rules governing criminal appeals. No comparable rule exists to perfect an appeal in civil cases such as this. *See Childers v. Ark. Dep't of Human Servs.*, 360 Ark. 517, 202 S.W.3d 529 (2005) (per curiam). This court recognizes only limited circumstances where a right to appeal is implicated, as in *Childers*, or under the most extraordinary circumstances in other cases, where an exception may be appropriate. *See Waste Mgmt. & Transp. Ins. Co. v. Estridge*, 363 Ark. 42, 210 S.W.3d 869 (2005).

Petitioner did not, and has not now, provided any procedural basis upon which to grant his request. Because petitioner has failed to demonstrate good cause to reconsider our previous decision, his motion is denied.

Motion denied.